
Appeal Decision

Site visit made on 20 January 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/G2625/W/20/3256408

Verge at Daniels Road, Norwich, Norfolk NR4 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone Ltd against the decision of Norwich City Council.
 - The application Ref 20/00241/T, dated 13 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is Installation of 1no. 20m streetworks pole, 1no. equipment cabinet, 1no. meter cabinet and associated ancillary development.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Installation of 1no. 20m streetworks pole, 1no. equipment cabinet, 1no. meter cabinet and associated ancillary development at Verge at Daniels Road, Norwich, Norfolk NR4 6QP, in accordance with the terms of application Ref 20/00241/T, dated 13 February 2020, and the plans and details submitted with it, including the Arboricultural and Planning Integration Report 2020.

Procedural Matters

2. The appellant submitted an Arboricultural and Planning Integration Report, prepared by Arborcare, dated 29 June 2020 (APIR) with the appeal documents. The Council has confirmed that subject to the proposed development being carried out in accordance with the recommendations within the APIR it no longer wishes to pursue its second reason for refusal. I see no reason to take a different view.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have therefore had regard to the policies of the

development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is situated on Daniels Road, part of the A140 inner ring road. It is adjacent to a large garden centre on the southern side of the road. The road has wide grass verges and footpaths along both sides. There are mature trees, the tallest of which are approximately 10 metres high, planted within each verge and on the southern side of the road there is a broad landscaped strip between the footpath and the boundary of the garden centre. The proposed mast and its associated equipment and meter cabinets would be sited between two of the trees within the grass verge.
7. The attractive trees, other planting and wide verges provides this part of Daniels Road with a pleasant verdant character. Although the proposed monopole would be about twice the height of the regularly spaced street lighting columns and the tallest trees, and some 5 meters taller than two of the existing masts along this stretch of road, it appears to me that the installation, although prominent, would be viewed as an orderly linear addition. Given the presence of the many existing vertical features, I am not of the view that the monopole would appear unacceptably dominant and incongruous or out of scale with its surrounds.
8. Whilst the proposal would result in two similar masts in relatively close proximity to one another, there would be a sufficient gap between structures to avoid a cramped or cluttered appearance. The proposed monopole has a simple and slimline design which would not attract attention. It would not obstruct any notable view and its presence would be softened by the street trees. It would appear as functional infrastructure, not unexpected at the side of a busy road, near to commercial premises. Similarly, the proposal would only introduce two cabinets which would appear functional, associated with the monopole and not obtrusive. Its contribution to clutter at street level would be relatively minor.
9. The appeal scheme proposes that the mast and cabinets would be finished in grey and dark green colour respectively, which would be acceptable. The lower section of the mast would be seen amongst similar coloured street lighting columns and the top section would, for many times in the year, not stand out when seen against the colour of the sky.
10. I therefore conclude that the proposal would not harm the character and appearance of the area. Insofar as they relate to the siting and design of the proposal, I consider that the proposal accords with Policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 and Policies DM3, DM7 and DM10 of the Norwich Development Management Policies Local Plan 2014. Collectively, these policies seek, amongst other matters, to safeguard visual amenity from new telecommunications installations.
11. The proposal would also accord with paragraphs 113, 115 and 127 of the Framework, which require amongst other matters, that equipment on new

electronic communications sites is sympathetically designed and that applications are supported by necessary evidence to justify the proposed development.

Other Matters

12. The Council's reasons for refusal include concerns that the appellant has failed to adequately assess alternative siting or mast sharing in a less prominent location. In addition, I note the Council's refusal of an amended application for a 17.5 metre high mast which the applicant stated was 'the absolute minimum' height required to support a 5G network in the location of the appeal site. The height of the appeal proposal is stated to have been kept to the 'minimum height' required in this location. The Council considers that although it was also stated that the reduced height would 'compromise coverage', its proposal, nevertheless, further calls into question the appellant's reasons for discounting alternative sites identified in relation to the appeal proposal. However, given that I consider that the proposed site is itself acceptable, it is unnecessary to address the merits of alternative sites. There is no requirement in the Framework or the GPDO to select the best feasible siting.
13. The Council has referred to two recent appeal decisions in the area which were dismissed. However, I have considered the appeal before me in the context of its specific site characteristics. In both of those appeals the sites were situated within a conservation area and one site was also within the setting of a listed building. I do not consider the cases to be directly comparable.

Conditions

14. Class A of Part 16 of Schedule 2 of the GPDO imposes relevant conditions as standard. It specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
15. The Highway Authority has requested a condition relating to the protection of highway tree roots. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. However, I am satisfied that the deemed condition requiring the development to be carried out in accordance with the details submitted would include the recommendations set out in the APIR and that, in this manner the trees, and the safety of the public highway, would be protected. In any case, separate consent would be required to carry out any works that may affect the public highway, including to the highway authority owned trees.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

S Tudhope
Inspector